

Planning Committee

Minutes of the meeting held on Tuesday 8 October 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors Davison, R. Dickson, Falp, Jacques, Morris, Murphy, Norris, Sanghera and Weber.

Also Present: Principal Committee Services Officer – Mrs Dury; Legal Advisor – Mrs Amphlett; Manager - Development Services – Mr Fisher; and Senior Planning Officer – Mr Young.

67. **Apologies and Substitutes**

- (a) Apologies were received from Councillor Roberts.
- (b) Councillor Norris substituted for Councillor Ashford, Councillor Falp substituted for Councillor Heath, Councillor Davison substituted for Councillor Kennedy and Councillor Jacques substituted for Councillor Leigh-Hunt.

68. **Declarations of Interest**

Minute Number 70 – W/19/1226 – 7 and 8 Pears Close, Kenilworth

Councillor Dickson declared an interest because the application site was in his Ward.

Minute Number 71 – W/19/1183 – 8 Savages Close, Bishop's Tachbrook

Councillor Norris declared an interest because the application site was in his Ward.

Minute Number 72 – W/19/1199 – 13 Eden Croft, Kenilworth

Councillor Dickson declared an interest because the application site was in his Ward.

Minute Number 73 – W/18/2123 – 200 Warwick Road, Kenilworth

Councillor Dickson declared an interest because the application site was in his Ward.

Minute Number 74 – W/19/0812 – Petrol Filling Station, 203A Warwick Road, Kenilworth

Councillor Dickson declared an interest because the application site was in his Ward.

69. **W/19/1254 – Old Folly Barn, Kites Nest Lane, Beausale**

The Committee considered an application from Mr and Mrs Rawden for the retention of a carport and shed outbuilding within the curtilage.

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The application was presented to Committee at the request of Councillor Illingworth and because it had the support of Beausale, Haseley, Honiley & Wroxall Parish Council and it was recommended for refusal.

The officer was of the opinion that the outbuildings were considered to be new buildings in the Greenbelt since they were visually, physically and functionally separate from the dwelling. In addition to this, the proposed outbuildings were forward of the general building line and harmful to the street scene. It was considered that the proposed outbuildings did not comply with the NPPF or Local Plan Policy BE1.

Therefore, it was recommended that the Committee should refuse planning permission.

The following people addressed the Committee:

- Councillor Slatem, representing Beausale, Haseley, Honiley & Wroxall Parish Council, which supported the proposals;
- Mrs Gallagher, who supported the application; and
- Mr Harris, representing the applicant.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Falp that the application should be refused.

The Committee therefore

Resolved that W/19/1254 be **refused** for the following reasons:

- (1) in the opinion of the Local Planning Authority, the proposed development represents the erection of two new buildings and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Policy Framework; and

- (2) Policies BE1 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

The proposals include the erection of two new buildings forward of the principal elevation of the dwelling and the general building line of this part of Kites Nest Lane. In this position the buildings are not in keeping with the established pattern of development in the
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locality. Consequently, the proposals harm the character and appearance of the area.

The development is thereby considered to be contrary to the aforementioned policies.

(Councillor Sanghera left the room and returned partway through the officers' presentation of W/19/1226 – 7 and 8 Pears Close, Kenilworth. Once the presentation was completed, the Chairman asked Councillor Sanghera to move away from the Committee for the duration of W/19/1226 because he had missed part of the presentation and therefore did not have the full details of the application to form a considered opinion.)

70. W/19/1226 – 7 and 8 Pears Close, Kenilworth

The Committee considered an application from Oakwood Residential Developments for the construction of four detached dwellings and a double garage, creation of a new access and all associated works, including the demolition of a dwelling (no.8 Pears Close) and demolition of a single storey extension at 7 Pears Close. This was a resubmission of W/19/0562.

The application was presented to Committee because of the number of objections received including one from Kenilworth Town Council.

The officer was of the opinion that the proposal was considered to have overcome the reasons for refusal identified under the last submission. The proposal would provide three additional dwellings which had been designed to sit comfortably within the street scene and did not represent back land development. The proposals would have an acceptable ecological impact and would not have a detrimental impact on neighbouring residential amenity which would warrant reason for refusal of the application. Subject to Warwickshire County Council Highways confirming that it had no objection to the amended plans, it was recommended that the proposed development should be approved.

An addendum circulated at the meeting gave a case officer report update and advised that "the proposed access relies on a hedge being removed from 9 Pears Close to which the owners agree ..." (p.8 in the report under the 'Parking and Highway Safety' section). The owners of 9 Pears Close did not agree to the removal of the hedge.

Warwickshire County Council Highways had confirmed that it did not object; revised access arrangements had been provided which were in line with those previously agreed in respect of application reference W/19/0562 for which the Highway Authority offered no objection subject to conditions.

In reference to the removal of the hedge within the boundary of 9 Pears Close and the impact which this had on visibility splays, given that if the road system was being used correctly, in a clockwise direction (which the access had been amended to encourage), all traffic would be approaching the access from the right, therefore the hedge would not interfere with visibility. It should also be considered that the visibility set-back for this level of use would be two metres and the hedge was located more than this from the carriageway edge.

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Warwickshire County Council Highways recommended the inclusion of two conditions relating to the provision of a footway crossing prior to the use of the access and another requiring that parking spaces were provided prior to occupation. The second had already been added by Officers and the first could be added should Committee resolve to grant planning permission.

The Addendum also gave details of further information provided by the applicant.

In order to further address concerns expressed by residents of Gloster Drive to the rear of the proposed dwellings, the applicant had undertaken a survey of the properties in Gloster Drive and the details that had been revealed from this were listed in the Addendum. This had confirmed that with the increases in the levels, the distances between the proposed properties and the existing properties in Gloster Drive had increased, so giving a greater degree of privacy. Adequate distance separations could be met.

Proposed condition 2 relating to the plan numbers needed to be updated accordingly showing the amended layout.

The following people addressed the Committee:

- Councillor Coker, representing Kenilworth Town Council which had objected to the application;
- Mr Pemberton, objecting to the application;
- Mrs Nicholson, speaking in support; and
- Councillor Illingworth, District Councillor, speaking against the proposals.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Weber that the application should be granted.

The Committee therefore

Resolved that W/19/1226 be **granted** subject to the following conditions and the signing of a satisfactory unilateral undertaking to secure biodiversity offsetting.

Authority is delegated to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sum requested where the revised sum meets the relevant statutory test.

Should a satisfactory Section 106 Agreement not have been completed by 5 November 2019, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the

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proposal makes inadequate provision in respect of the issues the subject of that agreement.

Conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2389.1120 Rev P1, 2389.1100 Rev P1, 2389.1105 Rev P1, 2389.1150 Rev P1, 2389.1200 Rev P1, 2389.1205 Rev P1, 2389.1220 Rev P1 submitted on 19th July 2019 and amended drawing 2389.1000 Rev P3 submitted on 2nd October 2019, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (LPA). In discharging this condition, the LPA expect to see details concerning pre-commencement checks for badger, bats, breeding birds and otter and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;
- (4) no works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the Local Planning Authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of tree, shrub and hedgerow planting, location of

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bat boxes, bird boxes and hedgehog access gaps in new fences. The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;

- (5) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: hours of work (including noisy activities and deliveries); control of noise measures; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. There shall be no burning on site. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;
- (6) the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full

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accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the Local Planning Authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (7) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Provide evidence that the Environment Agency consent to a new connection and outfall into the Finham Brook.

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- Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with policies FW1 and FW2 of the Warwick District Local Plan 2011 – 2029;

- (8) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (9) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (10) no development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved

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amendments. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (11) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;

- (12) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to

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protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

- (13) the development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk; Assessment and Drainage Strategy Addendum submitted with the application. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme. **Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with policies FW1 and FW2 of the Warwick District Local Plan 2011 – 2029;
- (14) no lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. In discharging this condition, the Local Planning Authority expects lighting to be restricted on the southern edge of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. **Reason:** To ensure that any lighting is designed so as not to detrimentally affect protected species in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (15) the single storey flat roof area of Plots 1, 2 and 3 hereby permitted shall not be used as a balcony, roof garden or similar amenity area. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (16) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter

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those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029; and

- (17) a condition relating to the provision of a footway crossing prior to the use of the access as recommended by Warwickshire County Council Highways Department and referenced in the Addendum.

(Councillor Sanghera re-joined the Committee once the decision had been made on W/19/1226 – 7 and 8 Pears Close.)

71. W/19/1183 – 8 Savages Close, Bishop’s Tachbrook, Royal Leamington Spa

The Committee considered an application from Mr and Mrs Wellsted for the erection of a single storey dwelling with associated works following the demolition of existing outbuildings. This was a re-submission of application W/18/2378.

The application was presented to Committee because it was recommended for refusal and Bishop’s Tachbrook Parish Council supported it and more than five letters of supports had been received.

The officer was of the opinion that the proposal was considered to be unacceptable in principle and in terms of its impacts on the future occupiers’ amenities.

The proposals had been carefully considered against the supportive comments received from neighbours and the Parish Council, but these did not outweigh the reasons for refusal.

It was recommended that planning permission should be refused.

An addendum circulated at the meeting advised on additional information provided by the Applicant.

The applicant had queried whether the housing need for privately owned bungalows had been met in the Parish. The case officer had looked into this matter further and two privately owned dormer bungalows had been approved on the Oakley Grove development under application W/18/1431. There was also a current application in for the Seven Acre Close development under reference W/19/0990 which proposed one privately owned dormer bungalow.

The Council therefore had strong grounds to believe that the identified housing need would be addressed.

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The applicant had queried whether dormer bungalows should be classed as a bungalow. Whilst the Council did not have a specific definition for bungalows, it should be noted that all three dormer bungalows had single storey eaves height and provided all the primary living accommodation at ground floor with an additional bedroom in the roof. For that reason, the dormer bungalows identified would be included.

The applicant stated that the Oakley Grove bungalows were semi-detached and all three dormer bungalows identified had master bedrooms at first floor with ensuite.

The applicant had also expressed that they did not feel the proposal would set a precedent and set out their reasons.

The addendum also advised that an additional support comment had been received from a neighbouring resident highlighting that the site benefitted from Listed Building consent to replace the existing building with a new dwelling. The proposal would also provide a better use of the site.

The following people addressed the Committee:

- Mr Wellsted, the applicant;
- Councillor Deeley, speaking on behalf of Bishop's Tachbrook Parish Council which supported the application; and
- Councillor Day, Ward Councillor, who also supported the application.

The Manager – Development Services, explained to the Committee that in July 2019, a housing needs survey had been conducted which had identified the need for three owner occupied bungalows. It was Housing Officers' view that properties which included a room on an upper floor but the other rooms were all at ground floor level did meet this need and therefore dormer bungalows met this definition and could be used to address the identified housing needs as confirmed in the housing needs survey.

Members noted that listed building consent had already been granted to demolish the building. But they were informed that this did not give consent for something else to be built in its place.

The Manager – Development Services advised that the decision made previously still carried weight and the circumstances in the current application had not materially changed. Members should look beyond the current occupier. The issues in respect of the windows needed to be addressed.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Falp that the application should be refused.

The Committee therefore

Resolved that W/19/1183 be **refused** for the following reasons:

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- (1) Policy H1 of the Warwick District Local Plan 2011-2029 directs new housing to the defined urban areas then previously developed land within specified Limited Growth villages where a specific local need has been identified.

The application site is not within the defined urban areas or one of the defined Limited Growth Villages and adequate evidence of local need has not been submitted with the application. The proposal is therefore contrary to Policy H1 of the Warwick District Local Plan 2011-2029 and constitutes an unsustainable form of development contrary to the NPPF; and

- (2) Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted which has an unacceptable adverse impact on the amenity of future occupants. Concern is raised in respect to the outlook from the second bedroom which is considered to be substandard in that it would result in a poor living environment.

The proposal is therefore considered to be contrary to the aforementioned policy.

(The meeting was adjourned for 16 minutes at 8.46pm.)

72. W/19/1199 – 13 Eden Croft, Kenilworth

The Committee considered an application from Mr Kim and Mrs Moon for a proposed raising of the roof and inserting first floor accommodation with a single-storey rear extension, and lifting the garage flat roof to the side. This was a revised planning application to that withdrawn, W19/0867. Revisions were that the roof extension to ridge-line was reduced, the roof was to be lifted only over the main body of the house and the side roof to the garage/utility was to be lifted.

The application was presented to Committee because of the number of objections that had been received including one from Kenilworth Town Council.

The officer was of the opinion that the proposals were considered to be compatible with the character of the street scene and were compliant with policy BE3 in terms of residential amenity. The proposals also complied with all other Local Plan policy requirements and for these reasons it was recommended that Planning Committee should grant this planning application.

The following people addressed the Committee:

- Councillor K Dickson, representing Kenilworth Town Council, which had objected to the application;

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- Mr Beesley, who objected to the application; and
- Mr Kim, the applicant.

The Chairman advised the Committee that the dormer window was within permitted development rights and therefore should be excluded from considerations. One of the speakers had advised that the distance separation at the rear fell short of requirements, but it was confirmed that the distance was over 25 metres and therefore did comply with regulations.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Sanghera and seconded by Councillor Norris that the application should be granted.

The Committee therefore

Resolved that W/19/1199 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1917 RP 01, 1917 RP 03, 1917 RP 02, and specification contained therein, submitted on 16/07/2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no part of the dwelling house shall be rendered other than as shown on the approved drawings. **Reason:** To secure a satisfactory form of development in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

73. W/18/2123 – 200 Warwick Road, Kenilworth

The Committee considered an outline application (all matters reserved) from Mr Tebby for up to five dwellings and associated works.

The application was presented to Committee because an objection had been received from Kenilworth Town Council.

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the main planning considerations in determining this application had been set out and considered stating accordance with relevant Local Plan Policy. The application had also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there was not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

The application had addressed the main considerations and would accord with relevant policy. The proposal should therefore be supported.

Councillor K Dickson addressed the Committee, representing Kenilworth Town Council, which had objected to the application.

Members noted that the report from Warwickshire County Council (WCC) Highways Department mentioned two dwellings, whereas the application under consideration was for five. They had concerns about access and wanted to be absolutely sure that the comments from WCC Highways Department were in respect of the application in its current format. Members noted that Warwick District Conservation Advisory Forum had concerns over insufficient information being provided.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Norris and seconded by Councillor Murphy that the application should be deferred.

The Committee therefore

Resolved that W/18/2123 be **deferred** pending the provision of further information from Warwickshire County Council Highways and clarity of the Conservation Officers position.

74. W/19/0812 – Petrol Filling Station, 203A Warwick Road, Kenilworth

The Committee considered a retrospective application from Valero Limited for the display of two internally-illuminated canopy fascia panels, one internally-illuminated totem sign and four internally-illuminated spreader boxes.

This application was deferred by Councillors from the September Planning Committee meeting as Councillors requested that further information was provided in reference to the impact of the signage on neighbouring residential amenity, namely a photograph of the site at night and lux levels. This application was originally presented to Committee because of the number of objections received including an objection from Kenilworth Town Council.

The officer was of the opinion that the installed signage was considered to be acceptable in design terms and preserved the appearance of the Conservation Area. The proposal had an acceptable impact on amenity and there were no public safety issues identified. The signage should therefore be approved.

PLANNING COMMITTEE MINUTES (Continued)

Councillor K Dickson addressed the Committee, representing Kenilworth Town Council, which had objected to the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Murphy and seconded by Councillor Norris that the application should be granted.

The Committee therefore

Resolved that W/19/0812 advertising consent be **granted** subject to the following conditions:

The five standard advertising conditions plus:

- (6) the development hereby permitted shall be strictly maintained in accordance with the details shown on the site location plan and approved drawing WPS-VEL-1064-PL01, and specification contained therein, submitted on 16th May 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (7) within three months of the date of this decision, the advertisements hereby permitted shall only be illuminated by white light and shall remain static. **Reason:** To ensure a high standard of design and appearance within the Conservation Area, and the satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.

75. W/19/1051 – The Oaks, Chessetts Wood Road, Lapworth

The Committee considered an application from Mr Wiseman for access to land via a field gate.

The application was presented to Committee because of the number of objections received.

The officer was of the opinion that the proposal sought the provision of a field gate to serve a parcel of agricultural land. The development was deemed to be appropriate development within the West Midlands Green Belt.

The proposal was considered to respect the rural character of the area by providing an appropriately designed field gate and reinstated an area of removed hedgerow whilst protecting the existing trees.

The proposal did not result in harm to the amenity of neighbouring properties and the proposal was considered acceptable in terms of highway safety.

PLANNING COMMITTEE MINUTES (Continued)

The proposal would result in minor ecological gain through the reinstatement of the hedgerow adjacent to the gate.

It was therefore recommended that the proposals should be granted.

Following consideration of the report and presentation, it was proposed by Councillor Dickson and seconded by Councillor Falp that the application should be granted.

The Committee therefore

Resolved that W/19/1051 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) PAL.03 Rev A and PAL.04 Rev A, and specification contained therein, submitted on 2 August 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with

PLANNING COMMITTEE MINUTES (Continued)

their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

- (4) the access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (5) the reinstatement of the native hedge shall be carried out within the first planting season following the substantial completion of the access works. Any tree(s) or hedgerow plants removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

76. Site Visits

There were no site visits made.

77. Minutes

The minutes of the meeting held on 10 September 2019 were taken as read and signed by the Chairman as a correct record.

78. Planning Appeals Report

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

PLANNING COMMITTEE MINUTES (Continued)

Resolved that the report be noted.

(The meeting ended at 10.09pm)

CHAIRMAN
5 November 2019